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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

PROVISIONAL SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 66th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

* The summary record of the second part (closed) of the meeting appears as document E/CN.4/1993/SR.66/Add.1.

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GE.93-12244 (E)

The meeting was called to order at 3.35 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(agenda item 12) (continued) (E/CN.4/1993/L.97, 98, 101, 103 and 104).

1. The CHAIRMAN said he would read out to the Commission the texts of the agreed statements on the situation in Tadjikistan and that in Latvia and Estonia.

Statement of the Chairman on the situation in Takjikistan

"The United Nations Commission on Human Rights is deeply concerned by reports of serious human rights violations associated with the armed civil conflict in Tadjikistan. These reported violations include the killing of non-combatants, the taking of hostages, summary executions and arbitrary detentions. Large numbers of people have fled from their homes, causing greater suffering. The situation of the large number of Tadjik refugees on the border of Afghanistan is also a cause of great concern which requires international humanitarian assistance.

The Commission welcomes and commends the efforts of both the United Nations and the International Committee of the Red Cross representatives in the field to help those in need.

Recognizing the connection between the ongoing hostilities and the continuing violations of human rights, the Commission calls upon all parties to the conflict to respect the human rights and fundamental freedoms of the Tadjik people of whatever political or ethnic affiliation and to negotiate, on an urgent basis, a permanent end to the hostilities to ensure a lasting peace thereby permitting internationally-recognized humanitarian norms to be implemented and to allow the internally displaced population to return to their homes in safety and free from the fear of persecution."

Statement of the Chairman on the situation in Latvia and Estonia

"The Commission on Human Rights, taking note of the wishes of Latvia and Estonia to strengthen their political institutions and national cultures; having in mind the interests of members of other nationalities permanently residing in these countries, who wish to be equal members of their societies; realizing the present difficulties relating to populations transferred into Estonia, Latvia and Russia and existing legislation in this field; taking also note of the views expressed during the forty-ninth session of the Commission on Human Rights on the existing problems; taking into consideration visits of various international fact-finding missions to Estonia and Latvia and the cooperation extended by the Governments to these missions; also taking note of the findings and recommendations of the missions; appeals to all

interested parties and others concerned to abstain from any official declarations and actions which might adversely affect confidence-building among the people living in these countries; invites all parties to continue their efforts to search for acceptable solutions by peaceful means, and in conformity with principles of justice and international law."

Draft resolution on extrajudicial, summary or arbitrary executions (E/CN.4/1993/L.97)

2. Mrs. PENNEGARD (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that the Special Rapporteur on summary or arbitrary executions had noted in his report (E/CN.4/1993/46) that, far from declining, the number of such executions seemed to be increasing in spite of the repeated condemnations issued by the United Nations, thereby underlining the need for renewed efforts and commitment together with decisive action both by Governments and by the international community. The draft resolution reiterated the Commission's strong condemnation of the large number of extrajudicial, summary and arbitrary executions taking place throughout the world. It welcomed the appointment of Mr. Ndiaye as the new Special Rapporteur and noted with appreciation his report.

3. The draft resolution requested the Special Rapporteur, in carrying out his mandate, to continue to pay special attention to extrajudicial, summary and arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in peaceful public manifestations and to continue monitoring the implementation of existing safeguards and restrictions relating to capital punishment.

4. The Secretary-General was requested to provide all necessary assistance to the Special Rapporteur to allow him effectively to carry out his mandate, in particular by strengthening the human and material resources placed at his disposal within the overall framework of the regular budget of the United Nations. The draft resolution further urged Governments to cooperate with and assist the Special Rapporteur by providing information on communications despatched to them by the Special Rapporteur on alleged extrajudicial, summary or arbitrary executions, by extending invitations to him to visit their countries, and by ensuring follow-up of the Special Rapporteur's recommendations.

5. In order effectively to combat and eventually eliminate extrajudicial, summary or arbitrary executions, Governments were also reminded of their obligation to see to it that all alleged violations of the right to life were properly investigated with a view to bringing to justice those responsible. By adopting the resolution, the Commission would decide to consider the issue at its next session under the same agenda item.

6. Draft resolution (E/CN.4/1993/L.97) was adopted.

Draft resolution on the situation of human rights in Romania
(E/CN.4/1992/L.98)

7. Mr. PACE (Secretary of the Commission) said that the Russian Federation wished to become a sponsor of the draft resolution.

8. Mr. SALANDER (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that, in the resolution, the Commission expressed its appreciation of the steps taken by the Government of Romania over the past three years to promote respect for human rights in the country and towards establishing a democratic and pluralist system of government based on respect for human rights and the rule of law.

9. While noting that respect for human rights in general was improving in Romania, the Commission observed that shortcomings had still to be overcome with regard to the implementation of constitutional and legislative rules by local authorities, inter alia, relating to the protection of persons belonging to national minorities.

10. Against that background, the Commission urged the Government of Romania and the Romanian authorities to continue their efforts to ensure respect for all aspects of human rights in Romania. The Commission also encouraged them to continue the fruitful cooperation they had embarked upon with the Centre for Human Rights in the field of advisory services. By adopting the draft resolution, the Commission decided to continue its consideration of assistance to the Government of Romania in the field of human rights the following year under the agenda item entitled "Advisory services in the field of human rights".

11. Draft resolution E/CN.4/1993/L.98 was adopted.

Draft Resolution on the situation of human rights in Myanmar
(E/CN.4/1993/L.101).

12. Mr. HESSEL (France), introducing the draft resolution on behalf of the members of the European Community and the other sponsors, said that all those present had been struck by the statement made by President Arias at the beginning of the session on behalf of the Nobel Peace Prizewinners which had forcefully expressed the sadness shared by all with regard to the human rights situation in Myanmar. The Commission was particularly concerned by the fate of Daw Aung San Suu Kyi and of various oppressed groups forced to flee to neighbouring countries. However, the resolution was presented in the hope that democracy would finally be restored in Myanmar on the basis of the 1990 elections.

13. The new paragraphs in the resolution were intended to take into account the excellent recommendations made by the Special Rapporteur in his report (E/CN.4/1993/37) which, it was to be hoped, would prove acceptable to the Government of Myanmar.

14. In conclusion, he drew attention to a revision of operative paragraph 18 of the resolution, whereby the words "and all the recommendations of the Special Rapporteur" would be deleted.

15. Mr. TIN KYAW HLAING (Observer for Myanmar) said that his delegation was deeply troubled by the highly intrusive and one-sided nature of the draft resolution, virtually every paragraph of which was based on subjective value judgments and politically motivated allegations. He regretted the self-righteous position adopted by the sponsors of the draft resolution and asked whether anyone could confidently claim that his own society was perfect. To use a familiar expression, people who lived in glass houses should not throw stones.

16. In respect of operative paragraph 4, he said that the role of the armed forces (Tatmadaw) had been grossly misinterpreted. The armed forces had played a leading role in the struggle for independence and had a long tradition of loyally and faithfully serving the people's interests. The Tatmadaw had its own code of conduct, infringement of which was punished and its members could not break the law with impunity. Its important role in the struggle for independence made it only natural that it should take an active part in the country's political process.

17. A National Convention, at which all strata of Myanmar society were represented, was currently being held to lay the foundations for a new constitution. Even terrorists would be welcome to take part in that convention, provided they returned to the fold of legality. In commemoration of the convening of the Convention, death sentences and prison sentences were being rescinded or commuted and over 1,500 people had benefited from the amnesty announced in April 1992. The members of the Commission should note that the Government was making every effort to develop a new constitution based on democratic principles. If people were placed under restraint in Myanmar, it was not for their political activities but for breaches of the law. There were no emergency measures in Myanmar and military tribunals had been dismantled.

18. He said that the allegations concerning torture, summary executions or forced labour were based on politically motivated allegations which went beyond the bounds of credibility. As for the allegations concerning Myanmar refugees fleeing to Bangladesh, he said that, in April 1992, the Ministers for Foreign Affairs of Myanmar and Bangladesh had issued a joint statement, which had been followed by agreements concerning the repatriation of Myanmar citizens. Relations between Myanmar and Bangladesh were based on principles of peaceful coexistence which characterized Myanmar's relations with all States, and in particular with its immediate neighbours.

19. Since February 1993, over 21,000 returnees had been safely resettled in their homes, their return having been witnessed by Bangladeshi officials and representatives of the media. Thus, all the allegations about a continuous exodus of Myanmar refugees were simply untrue.

20. His delegation regretted that certain Powers had abandoned their intellectual honesty and tradition of fairness in order to achieve a political objective. It was deeply disappointed by the tone and content of the Special Rapporteur's report (E/CN.4/1993/37) and hoped that, in the future, the principles of objectivity, impartiality and balance would be scrupulously observed.

21. Mr. PÉREZ NOVOA (Cuba) said that his delegation would join the consensus on the draft resolution although it had serious reservations concerning the third and twelfth preambular paragraphs and operative paragraphs 4 and 5 that, in its view, went beyond the mandate of the Commission, which should in no circumstances interfere in a country's domestic electoral process or in the drafting of its constitution, unless so requested by the Government.

22. Mr. PACE (Secretary of the Commission) said that the financial implications of operative paragraph 16 of the resolution, which would extend the mandate of the Special Rapporteur for one year, would be US$ 146,200 in 1993 and US$ 5,600 in 1994. An additional US$ 25,000 would be required to cover the cost of two interpreters to accompany the Special Rapporteur.

23. The draft resolution (E/CN.4/1993/L.101) was adopted without a vote.

24. Mr. MARUYAMA (Japan) said his delegation was committed to the goal of achieving both democracy and respect for human rights in Myanmar. It had therefore participated in the adoption without a vote of resolution E/CN.4/1993/L.101, which was a clear expression of the international community's concern about the situation in that country.

25. While there had been a number of encouraging developments since April 1991, his Government earnestly hoped that the Government of Myanmar would respond to international wishes by taking further concrete steps to improve the situation and to move steadily towards the final goal upon which all were agreed. He strongly urged the Government of Myanmar to respond to the resolution and to extend further cooperation to the Special Rapporteur.

Draft resolution on the situation of human rights in Iraq (E/CN.4/1993/L.103)

26. Mr. LARSEN (Observer for Denmark), introducing the draft resolution on behalf of its sponsors, which included the members of the European Community and had been joined by the observer for Turkey, said that it was based on previous resolutions concerning the same country situation.

27. By resolution 1991/74, the Commission had decided to appoint a Special Rapporteur to make a thorough study of human rights violations in Iraq. The Special Rapporteur had visited that country in early 1992 and prepared a report for submission to the Commission at its forty-eighth session.

28. The Commission had before it the new report of the Special Rapporteur (E/CN.4/1993/45). As opposed to the situation the previous year, the Government of Iraq had not allowed the Special Rapporteur to visit the country. However, it had extended formal cooperation to him, in particular by giving full replies to his inquiries in order to enable him to formulate the appropriate recommendations to improve the human rights situation in that country.

29. The report indicated, as before, flagrant violations of human rights in Iraq, including summary and arbitrary execution, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrest and detention, lack of due process of law and of freedom of

thought, expression and association, together with specific discrimination in terms of access to food and health care. The Government of Iraq must bear sole responsibility for those violations.

30. The report stated specifically that the Kurds in the northern part of Iraq and the Shiah communities in the southern marsh area were subject to repressive and discriminatory policies and practices.

31. In view of the exceptional gravity of the human rights situation in Iraq, the Special Rapporteur recommended that a team of human rights monitors should be sent to such locations as would facilitate improved information flow and assessment of the situation.

32. The draft resolution therefore provided for an extension of the mandate of the Special Rapporteur and the adoption of his proposal for a team of human rights monitors.

33. By adopting the resolution without a vote, the Commission would send a firm signal to the Iraqi Government that it must respect the human rights and fundamental freedoms of its population and cooperate with the Special Rapporteur in order to secure the protection of those rights.

34. Mr. AL-DOURI (Observer for Iraq) said that the draft resolution referred to the report prepared by the Special Rapporteur who came from a West European country whose position concerning Iraq was well-known. The report and the draft resolution were aimed at implementing a political plan which had been prepared by European countries with a view to executing a colonialist conspiracy designed to divide Iraq into small provinces based on religion.

35. The draft resolution contained information which had been taken from the Special Rapporteur's report and which was erroneous. The validity of that information should therefore be verified on the basis of impartial sources familiar with the human rights situation in Iraq.

36. The second part of the operative section of the draft resolution gave the impression that the Iraqi people were divided between those who had been executed and those who were in detention. As was known, Iraq was open to all and that erroneous information was simply a way of camouflaging the crime being perpetrated by the West against his country through a blockade imposed on the entire people, therefore infringing on their right to life and dignity.

37. With regard to the issue of Kuwaiti and foreign detainees, his Government had clearly stated that there were no longer any Kuwaiti detainees in the country and it had, in that regard, fully cooperated with the International Committee of the Red Cross and the League of Arab States.

38. As for other citizens and nationals, his delegation believed that such persons were being held in Iraq because they had entered the country illegally, and that their countries were aware of their status.

39. With regard to the Kurds in northern Iraq, his delegation would like to know how the report of the Special Rapporteur could claim that his Government was implementing a policy of oppression against them when that area had been under the sovereignty of the allied countries for two years.

40. With respect to the allegation of repression and oppression of the southern Shiah, the fact was that such statements were totally false. Serious events had occurred following the Gulf war as part of an international plan concocted against Iraq but they had fortunately had no adverse consequences.

41. The information contained in operative paragraph 9 was totally false. His Government was ensuring the welfare of his people to a greater extent than the aggressors who were imposing the blockade.

42. Referring to operative paragraph 11, the proposal to send human rights monitors to his country was merely the continuation of attempts by the allies, including France, the United States and the United Kingdom, to interfere in his country's internal affairs.

43. The adoption of the draft resolution would represent a precedent with regard not only to Iraq but to all third world countries. His delegation therefore cautioned friendly and brotherly countries of the third world, members of the Non-Aligned Movement and other countries against falling into that trap, which would constitute a threat to the independence and sovereignty of all those countries.

44. He wished to make it clear that his country was not experiencing a civil war and would therefore reject the implementation of the procedure proposed if the draft resolution was adopted. However, his Government was in favour of close cooperation with the Commission and of maintaining friendly relations with other countries. In conclusion, he urged delegations to reject the draft resolution.

45. Mr. PACE (Secretary of the Commission) said that the financial implications of the activities required by the draft resolution would amount to $808,800 for 1993 and $214,000 for 1994. In addition, a further $54,000 would be required to cover the costs for an interpreter to accompany the Special Rapporteur.

46. Mr. GUBARTALLA (Sudan), suported by Mr. EL FAKIH SALEH (Libyan Arab Jamahiriya), said that, in view of the special nature of operative paragraph 11, his delegation requested a separate roll-call vote on that paragraph and on the resolution as a whole.

Operative paragraph 11 of the draft resolution

47. Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czech Republic, Finland, France, Gabon, Gambia, Germany, Japan, Mauritius, Mexico, Netherlands, Peru, Poland,

Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Mauritania, Sudan.

Abstaining: Bangladesh, Burundi, China, Cuba, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Malaysia, Nigeria, Pakistan, Sri Lanka, Syrian Arab Republic, Tunisia.

48. Operative paragraph 11 of draft resolution E/CN.4/1993/L.103 was adopted by 32 votes to 3, with 16 abstentions.

Draft resolution E/CN.4/1993/L.103 as a whole

49. The vote was taken by roll-call.

50. Sudan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, Iran (Islamic Republic of), Japan, Kenya, Mauritius, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Sudan.

Abstaining: Bangladesh, Burundi, China, Cuba, Guinea-Bissau, India, Indonesia, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Tunisia.

51. Draft resolution E/CN.4/1993/L.103, as a whole, was adopted by 36 votes to 1, with 15 abstentions.

52. Mr. CHANDRA (India) said that, in efforts to ensure the promotion and protection of human rights and fundamental freedoms, the responsibility for the application of the appropriate standards devolved mainly on the State concerned. Therefore, while the resolution contained many important components, his delegation had been constrained to abstain in the vote as it could not approve the idea of sending human rights monitors without the consent of the State concerned.

53. Mr. MASRI (Syrian Arab Republic) said that, in voting for the draft resolution, his delegation nevertheless regretted that it dealt with human rights questions in a sectarian manner, a fact which might negatively affect the territorial integrity of Iraq. The establishment of a monitoring system

involving the sending of human rights monitors might constitute interference in the internal affairs of a Member State and set a precedent that was not in keeping with the objectives of the Charter.

Draft resolution on the situation of human rights in China (E/CN.4/1993/L.104**)

54. Mr. LARSEN (Denmark), introducing the draft resolution on behalf of the members of the European Community and other sponsors, to which the delegations of Costa Rica and Japan had been added, said that its main purpose was to express serious concern regarding the human rights situation in China, as described in a number of reports placed before the Commission. Fundamental freedoms were severely restricted, including freedom of expression, religion, assembly, association, as well as the right to a fair trial. The administration of justice in China did not meet international standards in certain important respects. People were detained without trial for long periods, the death penalty was arbitrarily applied, and there was no independent judiciary. Although the recent decision of the Chinese Government to release some well-known dissidents was welcome, a large number of people still remained in prisons or labour camps for purely political reasons.

55. The restrictions on the practice of religion in China were worrying. In some areas with important minority populations, the Government controlled the practice of Buddhism while, in others, where the population was predominantly Muslim, there continued to be restrictions on the building of mosques and the religious education of children. Also, many Christians were being denied their right to practise their religion freely.

56. It was an urgent and legitimate duty of the world community and the Commission on Human Rights to deal with human rights violations whenever and wherever they occurred. Human rights were universal, irrespective of historical and cultural traditions, and State sovereignty should not be used as a shield for any country to violate them.

57. The credibility of the Commission was based on the willingness of its members to take up all situations, in large as well as in small countries, and to deal with them objectively. Nothing else but concern for human rights should influence its decisions. Failure by the Commission to pursue that approach would lead to a very unhappy situation for its members and for people all over the world striving to promote and protect human rights. Since the report clearly pointed to serious violations of human rights in China, there was no reason why action should not be taken in respect of that particular country. He therefore urged all members of the Commission to vote in favour of the draft resolution.

58. Mr. JIN Yongjian (China) moved that, in accordance with rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, no decision be taken on the draft resolution, which was a typical manifestation of the politicization of the Commission on Human Rights and of interference in the internal affairs of States. Conditions had never been so good in China, and consequently there was no

excuse for the Western countries to accuse his Government of human rights violations in an attempt to force it to move away from the path chosen by its people.

59. The draft resolution was based entirely on so-called reports. In that connection, it should be borne in mind that all the major mass media in the world were in the hands of the West, with the result that the information that they supplied was prejudiced. The draft resolution could not therefore be seen as serious. Almost all the sponsors were Western countries, giving the false impression that only Western countries cared about human rights. China consistently supported the interests of the developing countries in the international arena, siding with the poor against the rich.

60. In defence of State sovereignty, his delegation rejected the draft resolution and appealed to all justice-loving members of the Commission to support his motion that no action be taken on it.

61. Mr. HUSSAIN (Pakistan) said that it was well known that, in recent years, China had speeded up its reforms and had had some remarkable achievements acknowledged by the whole world. Today, while some parts of the world were experiencing bloodshed, war and disorder, China was enjoying social, political and economic stability and was making progress in various areas. What was equally important was that China had been cooperating fully with the United Nations in the field of human rights. It had made serious investigations, provided detailed replies to the communications transmitted by various thematic rapporteurs and working groups, had received many foreign delegations and maintained a dialogue with a number of countries on the question of human rights. China was not, of course, a perfect country, but neither was any other. Since it had a population of over 1.1 billion, the task facing the Chinese Government was tremendous and should be understood in that light.

62. The Chinese Government's efforts and achievements and its cooperative attitude certainly deserved encouragement rather than pressure. A draft resolution like the one before the Commission would serve no purpose and could only be counterproductive. His delegation therefore seconded the Chinese representative's motion that no action be taken on it.

63. As far as the position of Muslims in China was concerned, Pakistan's experience showed that China was a reliable friend of the Muslim world and of the developing countries and that it had always stood by oppressed peoples, whether Muslims or non-Muslims.

64. Mr. LEMINE (Mauritania), speaking in explanation of vote before the vote, said that for over a decade China had been making major reforms and had recorded substantial achievements. Violence was to be found almost everywhere, but China was stable and was making progress in the economic, cultural and political fields. It should be encouraged to continue those efforts for the benefit of its people.

65. Furthermore, the Chinese Government had always cooperated with the United Nations in human rights matters and had indicated its willingness to continue to do so. In particular, it had always replied to communications

transmitted by working groups and thematic rapporteurs. Accordingly, the Commission should send a positive message. The draft resolution before it could have no constructive effect on the situation, and his delegation therefore supported the motion that no decision be taken on it.

66. Mr. PÉREZ NOVOA (Cuba) said his delegation also supported the motion that no decision be taken on the draft resolution, which was a totally unacceptable instrument in the campaign of propaganda against China.

67. Ms. ATTAH (Nigeria) said that efforts were made every year in the Commission to bring China to book. New reasons for doing so were constantly being found. On the current occasion, one of the reasons given was religion. However, it was doubtful whether China was the only country that did not allow the building of mosques.

68. China was a great country which was making immense efforts to modernize its political, economic and social system. It was trying hard to improve its human rights posture. It should therefore be encouraged rather than persecuted. Her delegation was therefore in favour of taking no action on the draft resolution and of giving China time to see whether its reforms would come to fruition.

69. Mr. KHAN MAJLISH (Bangladesh) said his delegation supported the Chinese representative's motion that no action be taken on the draft resolution, which was not justified by the current human rights situation in China.

70. Mr. MORLAND (United Kingdom) urged all members of the Commission who wanted to preserve its credibility to vote against the motion that no action be taken, since they would then be free to express their views on the substance of the draft resolution. One of the main criticisms directed against the Commission was that it was selective in its actions, that it picked on weaker countries, often countries with severe internal difficulties, and did not dare direct itself to powerful countries, whatever their human rights record. The draft resolution before the Commission gave the lie to those criticisms.

71. China was a country of great power and importance, enjoying unprecedented economic success. Anybody who had read the reports submitted by the thematic rapporteurs would find clear, incontrovertible evidence of a disregard to human rights in a number of areas. The text before the Commission was drafted in moderate terms. He therefore urged all members to allow it to be properly considered.

72. Mr. MASRI (Syrian Arab Republic) said that China was a large country with an ancient civilization and was capable of recording great economic and human rights achievements which should be appreciated by the Commission. The draft resolution would serve no constructive purpose, and his delegation therefore supported the motion that no action be taken on it.

73. Mr. NASSERI (Islamic Republic of Iran) said that the draft resolution, inspired mainly by the United States of America, could, like previous texts on

the same subject, be termed a "stealth" draft resolution because the wording camouflaged the political motives behind it. His delegation would therefore vote in favour of the motion that no decision be taken on it.

74. Mr. FLINTERMAN (Netherlands) said that he agreed with the representative of the United Kingdom that the Commission should be given an opportunity to vote on the merits of the draft resolution. His delegation would therefore vote against the motion that no decision be taken.

75. Mr. SCHIFTER (United States of America) said that the motion to take no decision was highly inappropriate. The aim of the draft resolution was to send a message to China and the Chinese people expressing the Commission's concern about current human rights violations, particularly the imprisonment of persons for non-violent political activities and unauthorized practice of religion

76. The suggestion that his country was seeking to restrain China's development did not bear close examination. China's exports to the United States amounted to around $30 billion, while it also enjoyed a highly favourable trade balance. His delegation admired China's economic reforms, but they could not excuse the repression of freedom, the incarceration of advocates of free speech, or the arrest of persons for practising their religion. His delegation would therefore vote against the motion.

77. Ms. PARK (Canada) said that motions of the kind proposed by the representative of China were not an appropriate way of dealing with country situations. Her delegation believed that such situations should be dealt with on their merits and that it was inconsistent with the purpose and role of the Commission to deny it the opportunity of addressing them through a resolution. The human rights situation in China warranted action under resolution E/CN.4/1993/L.104 and her delegation would therefore vote against the motion so that a vote could be taken on the substance of that resolution.

78. Mr. LOCHTCHININE (Russian Federation) said that his country was opposed to violations of human rights anywhere in the world, regardless of its bilateral relations with the country involved. The international community was entitled to express its concern regarding violations of human rights in China without that being regarded as interference in that country's internal affairs.

79. His delegation took account of the positive changes in the human rights situation in China and of the willingness of the Chinese Government to engage in constructive discussions. It was following with sympathy China's economic and social reforms and hoped that the improvement in the human rights situation would continue. It was, however, concerned about reports of human rights violations in China.

80. Human rights policy must be free from political or ideological sympathies or antipathies and from double standards. A frank discussion on human rights, whether at the multilateral or at the bilateral level, would help States to improve their human rights performance and should not harm relations between

States and peoples. If a vote was taken on the draft resolution, itself, however, his delegation would not participate, since it did not agree with all the provisions of the text.

81. Mr. HITAM (Malaysia) said that his delegation supported the motion because draft resolution E/CN.4/1993/L.104 was a highly political text reflecting the tendency of certain countries to adopt a selective approach to human rights issues. His delegation welcomed the economic and social reform programmes introduced by China and felt that the Commission should encourage the efforts being undertaken. It believed that progress in the field of human rights would continue as China's economic and social reforms took effect and that the international community should provide encouragement for that process rather than adopt a negative stance. His delegation would therefore vote in favour of the motion.

82. Mr. GUBARTALLA (Sudan) said that his delegation intended to vote in favour of the motion in order to take a principled stand showing its appreciation of the genuine efforts that had been made to improve the human rights situation in China. In any case, the draft resolution contained many elements not directly related to human rights issues and would defeat its own purpose.

83. Mrs. GOMES (Portugal) said that her delegation would vote against the motion because it believed that the Commission should take action wherever human rights violations were committed. If such violations existed in China, then the Commission should be able to take a clear stand on the issue.

84. At the request of the representative of China, a vote was taken by roll-call on the motion that no decision be taken on draft resolution E/CN.4/1993/L.104.

85. Costa Rica, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Burundi, China, Cuba, Cyprus, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Barbados, Brazil, Chile, Colombia, Gambia, Lesotho, Mexico, Peru, Republic of Korea, Uruguay, Venezuela.

86. The motion that no decision be taken on draft resolution E/CN.4/1993/L.104 was adopted by 22 votes to 17, with 12 abstentions.

87. Mr. DEMBINSKI (Poland) said that his delegation had voted against the motion because it believed that, wherever human rights were in jeopardy, the situation should be discussed by the Commission. Nevertheless, his delegation noted the positive developments taking place in China, including the release of political prisoners, and hoped that the trend would continue in future.

88. Mr. JIN Yongjian (China) said that his delegation sincerely thanked all those who had voted in favour of the motion, which represented a victory for justice over an attempt to politicize human rights and interfere in the internal affairs of a sovereign State. His delegation was ready to cooperate with the international community in the promotion and protection of human rights in China under the guidance of the principles and purposes of the United Nations Charter. It was opposed, however, to power politics and all attempts to impose hegemony in the human rights field.

The public meeting rose at 5.35 p.m.